

Board of Commissioners

July 1, 2008 – 9:21 am

Meeting called to order by President Rininger. Commissioners Rininger, Logsdon, Gogel, and Board Attorney Lueken were present.

Courthouse Maintenance

Floor Cracks – Maintenance Supervisor Joe King explained that a gentleman demonstrated how he can fill in the cracks in the floor of the courthouse. The process should be completed next week on the sample area. King will bring in the estimate to complete the rest of the floor on the first floor.

Roof – King stated that when the commissioners decide to replace the roof of the courthouse that there are several vents on the roof that are no longer necessary and should be removed. Logsdon suggested that King work with Gogel on drawing up specs to take bids on roof repair or replacement.

Minutes

06/03/2008 regular meeting minutes; Logsdon made a motion to approve. Gogel seconded. All in favor.

06/10/2008 joint meeting minutes; Gogel asked for the first sentence on the second page to read, “But if the county wants to wait on adding additional interior walls, they can, as long as the structure is usable for a purpose.” Gogel made a motion to approve with the change. Logsdon seconded. All in favor.

06/10/2008 public hearing minutes; Logsdon made a motion to approve. Gogel seconded. All in favor.

Claims

Logsdon made a motion to approve all claims. Gogel seconded. All in favor.

Richland Incorporation Ordinance 2008-09

Lueken read Ordinance 2008-09, In the Matter of the Petition for Incorporation of the Town of Richland, as follows:

ORDINANCE NO. 2008-09  
IN THE MATTER OF THE PETITION FOR  
INCORPORATION OF THE TOWN OF RICHLAND  
FINDINGS OF FACT

1. On or about March 18, 2008, a petition was filed with the Spencer County Board of Commissioners for the incorporation of the Town of Richland.
2. The petition was signed by 76 owners of land in the territory sought to be incorporated, being in excess of the number required under IC 36-5-1-2 and the signatures were verified.
3. The petition stated that the territory is used or will be used generally for commercial, industrial, residential, or similar purposes; the territory is reasonably compact and contiguous; there is enough undeveloped land in the territory to permit reasonable growth of the town; and incorporation is in the best interests of the citizens of the territory.
4. Pursuant to IC 36-5-1-3, the petition for incorporation was accompanied by a verified enumeration of the territory's residents and landowners and their mailing addresses; a statement of the assessed valuation of all real property within the territory certified by the Luce Township Trustee/Assessor; a statement of the services to be provided to the residents of the proposed town and the approximate times at which they are to be established; a statement of the estimated cost of the services to be provided and the proposed tax rate for the town; and that the name to be given to the proposed town is Richland.
5. On or about April 1, 2008, a survey certified by Brian S. Mundy, LS # 20700096, showing the boundaries of and quantity of land contained in the territory sought to be incorporated, being 328 acres, more or less, was filed with the Spencer County Auditor's Office. The territory of the proposed town is located in a part of Sections 34 and 35, Township 6 South, Range 7 West and Sections 2 and 3, Township 7 South, Range 7 West in Luce Township, Spencer County, Indiana. A copy of the survey is attached hereto as Exhibit A.
6. The Spencer County Board of Commissioners examined the petition for incorporation and forwarded a copy to the Spencer County Plan Commission for its investigation and recommendation. The Plan Commission held public hearings on the petition on April 24, 2008, and May 22, 2008, with proper notice having been given pursuant to applicable statute.
7. A public hearing was held by the Spencer County Board of Commissioners on June 10, 2008, at the South Spencer High School, 1142 N Orchard Road, Rockport, Indiana. During the public hearing 11 landowners or residents spoke in favor of incorporation and 4 spoke against incorporation.
8. Notice of said hearing was sent by certified mail to the 237 residents and landowners of the territory as listed in the petition and to the Luce Township Trustee. The Spencer County Auditor received the receipts for the certified mail.
9. The Spencer County Plan Commission, by a vote of 6-0, with 3 members absent, recommended the approval of the petition for incorporation if the petitioners present the Spencer County Board of Commissioners with written evidence that a substantial majority of the property owners in the proposed town agree with the proposed services to be provided under IC 36-5-1-8 (4) and if the Board of Commissioners is satisfied that the requirement of IC 36-5-1-8 (5) has been met.
10. On or before the June 24, 2008 meeting of the Spencer County Board of Commissioners the petitioners presented 100 signed verified statements by property owners in the proposed town agreeing with the proposed services. The Board of Commissioners also received 56 signed verified statements against incorporation from property owners in the proposed town. The Spencer County Auditor has determined that, using the standard set forth in IC 36-5-1-2 (c), there are 227 property owners in the proposed town.
11. At the Spencer County Board of Commissioners public meeting held on June 24, 2008, the Board unanimously adopted all of the findings set forth in IC 36-5-1-8 as follows:
  - (1) Based upon the testimony given at the public hearing and the personal knowledge of each of the Commissioners, that the proposed town of Richland is used or will, in the reasonably foreseeable future, be used generally for commercial, industrial, residential, or similar purposes.
  - (2) Based upon examination of the survey of the proposed town of Richland, that the proposed town is reasonably compact and contiguous.

- (3) Based upon examination of the survey, testimony given at the public hearing, and the personal knowledge of each of the Commissioners, that the proposed town includes enough territory to allow for reasonable growth in the foreseeable future.
  - (4) Based upon 100 signed verified statements by property owners agreeing that the proposed services for the proposed town should be provided on an adequate basis, that number being more than 64 percent of the 156 property owners who signed statements on this issue, and based upon a detailed examination of the testimony and evidence submitted with the petition and at the public hearing, that a substantial majority of the property owners in the proposed town have agreed that at least six (6) of the following municipal services should be provided on an adequate basis:
    - (A) Police protection.
    - (B) Fire protection.
    - (C) Street construction, maintenance, and lighting.
    - (D) Storm sewers.
    - (E) Parks and recreation.
    - (F) Planning, zoning, and subdivision control.
  - (5) Based upon review of the assessed valuation of properties certified by the Luce Township Trustee/Assessor, being \$13,674,600, the value of the exempt properties, being \$1,211,900, leaving a taxable property value of \$12,462,700 and the subtraction of other exemptions resulting in a net taxable property assessment of \$8,358,870, an estimated annual budget of \$47,920, estimated annual non-property tax revenue of \$26,300, resulting in a tax rate of \$0.26 per \$100 of assessed value, and based upon a comparison to the assessed valuation and tax rates of other incorporated towns in Spencer County, that the proposed town could finance the above proposed municipal services with a reasonable tax rate, using the current assessed valuation of properties as a basis for calculation.
  - (6) Based upon all of the evidence submitted and testimony given at the public hearing, and including a consideration of the factors set forth in IC 36-5-1-8 (6), that incorporation is in the best interest of the territory involved in the proposed town of Richland.
12. On June 24, 2008, the Spencer County Board of Commissioners, having adopted the findings set forth in paragraph 11 above, unanimously approved the petition for incorporation of the Town of Richland, provided that all five (5) members of the town legislative body are to be elected at large, and directed the county election board to conduct an election in the town on the date of the next general election to be held in any precincts in the county, being November 4, 2008.

ORDER

IT IS NOW ORDERED AND ORDAINED by the Spencer County Board of Commissioners that:

1. The findings as set forth in paragraph 11 above were adopted on June 24, 2008, and are deemed incorporated in this ORDER, as though set out in full.
2. The petition for the incorporation of the Town of Richland was approved on June 24, 2008.
3. The legislative body of the Town of Richland shall have five (5) members and shall all be elected at large.
4. The Spencer County Election Board is directed to conduct an election in the Town of Richland for the five (5) at-large members of the town council and for the clerk-treasurer on the date of the next general election.
5. This ordinance becomes effective upon adoption and when filed with the office of the secretary of state and the circuit court clerk of Spencer County.

Adopted this 1st day of July, 2008.

SPENCER COUNTY BOARD OF COMMISSIONERS

Commissioner Meeting 07/01/2008 cont.

Logsdon asked Lueken if the town can increase the tax rate if next year they find that the costs have increased. Lueken stated that the town will have to go through the budget process each year from the beginning just like every other entity. The tax rate will be set each year.

Gogel made a motion to sign Ordinance 2008-09. Logsdon seconded. All in favor.

#### Delta Queen

Rininger stated that he received a copy of a resolution passed by the City of Newburgh in support of the Delta Queen. Unless a resolution is passed in the United States House of Representatives (H.R. 3852) which would extend the fire-retardant materials construction exemption from November 2008 to 2018, the Delta Queen would have to stop operating on the Ohio and Mississippi Rivers. Rininger suggested the commissioners should pass their own resolution of support to send to the U.S. House of Representatives. Nora Yeager stated that passengers from the Delta Queen visit the Lincoln Pioneer Village each year and it is the village's biggest fund raiser. She further stated that the passengers are then taken on a tour of other historic sites in the county. Rininger asked Auditor Shelton to work with Gay Ann Harney, who works with the Lincoln Pioneer Village and Melissa Miller with the Spencer County Visitors Bureau and draft a resolution of support from the board.

#### Highway Report

Sleepy Hollow Subdivision – Highway Superintendent Painter reported a complaint by a property owner that the neighbor to his north is filling in a ditch which drains into a lake on his property. The property owner is concerned about the material being used in the ditch. Logsdon told Painter to contact IDEM.

Closing CR 1750 – Logsdon stated that with the closing of CR 1750 he is concerned about the increased traffic on CR 550. Rininger suggested using cum bridge funds for the portion of the road on either side of the bridge. Gogel suggested using Major Moves to chip and seal the road. Logsdon asked if the road could be built up with bottom ash before it was chip and sealed. Discussion was had on options. Logsdon asked Painter to come to the next meeting with a proposal.

Other Road Closings – Discussion was had on several roads which will have increased traffic due to the changing traffic patterns caused by the construction of the new SR 231.

Subcontractor Violations – Discussion was had on possible violation of the agreements made with INDOT on the construction of the new SR 231 by a sub-contractor. Lueken stated that it is in the agreement that the contractors and sub-contractors must comply with the county road ordinance. Lloyd, Painter and Logsdon will meet with the contractor.

CR 400 – Discussion was had on options for paving CR 400 from Highland Road to the entrance of the Spencer County Fairgrounds. Painter and Lloyd will bring options to the next meeting.

Rockport Park – Rininger said that he had been contacted by the parks board asking about the contour work the county agreed to do to bring the water to the ditch on the county portion of the Rockport City Park.

#### Engineer Report

Highland Road – Lloyd asked if the commissioners want to widen Highland Road and pave or pave the road as is. Logsdon asked if rights-of-way would have to be obtained if the road was widened by one foot on each side. Lloyd said no. Logsdon asked Lloyd to obtain bids both ways, as is and widening by one foot on each side.

#### SIHO

Mary Beth Hurst of SIHO and Agent Pete Franzman reviewed SIHO's services. They recommended the plan for 2009 be changed to include more preventive care, covering the most common tests 100%. They also recommended changing the county's prescription plan from Pharmacare to Caremark and staying with the current reinsurance provider.

Logsdon stated that the insurance committee recommended staying with SIHO for the coming year. The committee will continue to study the options available for the next year.

Logsdon made a motion to accept the SIHO proposal for the coming year, the administrative costs for the next three years, and to change from Pharmacare to Caremark for prescriptions. Gogel seconded. All in favor.

Legal Report

Travel Ordinance – Shelton asked the commissioners to look at revising the travel ordinance from a reimbursement of actual cost to a per diem. Logsdon asked for the ordinance to specify that the parking reimbursement is for non-valet parking. He also stated that he did not like the idea of the employee being able to keep money that is not spent. After discussion, Logsdon asked Shelton to talk to office holders who travel frequently and come to a consensus as to what would work best for the county and the employees.

Budget – After brief discussion on the proposed 2009 budget, Logsdon made a motion to approve the proposed budgets for the commissioners, courthouse and cum cap. Gogel seconded. All in favor.

Logsdon made a motion to adjourn. Gogel seconded. All in favor. The meeting was adjourned at 11:03 am.

Board of Commissioners,

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President  
Attest:

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Cindy Shelton, Auditor

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